IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 8379 of 1997

Between:

Md.Ibrahim, S/o.Md.Abdul Raheem,

27 years, working as Attender on daily wage,

Potti Sreeramulu Telugu University,

Hyderabad.

..... PETITIONER

AND

The Registrar,

Potti Sreeramulu Telugu University,

Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue, a Writ, Order or direction more in the nature of mandamus declaring the action of the respondent in not regularising the services of the petitioner in the post of Attender along with the persons who were appointed in the year 1990 i.e., on 18-08-1990 as highly illegal, arbitrary, unconstitution and violative of Article 14, 16 and 21 of the Constitution and consequentially to direct the respondent to pay the scale to the post attached from the year, 1990 on par with his juniors and grant all consequential benefits like seniority etc.

Counsel for the Petitioner:MR.P.V.RAMANA

Counsel for the Respondent : MR.D.V.SEETHARAMA MURTHY

The Court made the following :

O R D E R:-

This Writ Petition is filed praying for issuance of Writ of Mandamus declaring the action of the respondent in not regularising the services of the petitioner in the post of Attender along with the persons, who were appointed in the year 1990 i.e., on 18-08-1990, as illegal, arbitrary, discriminatory and violative of Articles 14, 16 and 21 of the Constitution of India, and consequently sought for a direction to the respondent to regularise the services of the petitioner on par with the other juniors and to pay the scale attached to the post from 1990 onwards.

2. According to the petitioner, he was appointed as an Attender on 12-06-1989 on daily wage basis. Thereafter, selection process was conducted in the year 1990. Though, the petitioner was successful in the said process of selection, but, however, on the ground that he did not produce the VIII class certificate, his services were not regularised. It is further stated that the petitioner suffered ill-health and could not obtain the said School Certificate within the time stipulated. But, however, subsequently, the petitioner obtained the said VIII class Certificate and approached the respondent authorities for regularising his services as Attender. But, in spite of the production of the said Certificate, his case was not considered. Hence, the petitioner has come up with the present Writ Petition.

3. The learned counsel for the petitioner contended that when the services of all other similarly placed persons were regularised, it is not proper and just to the respondent University to deny the same benefit to the petitioner, as he has fulfilled all the requirements and was also selected by the Selection Committee.

4. A counter has been filed on behalf of the respondent University disputing the

allegations of the petitioner. The stand of the respondent is that the petitioner has failed to produce the VIII class Certificate. Therefore, his case could not be considered.

5 . This Court, at the time of admission, passed an interim order directing the respondent University to pay the petitioner the minimum scale attached to the post.

6. According to the learned counsel for the petitioner, the Court also observed at the admission stage that the petitioner is entitled to place the educational qualification Certificate showing that he had passed VIII class, so that the respondent University may consider his case for regularisation of his services as Attender.

7. Heard both sides and considered the material on record.

8. The case of the petitioner is that regularization of his services as an Attender was denied by the respondent University only on the premise that he failed to produce the VIII class Certificate. It is stated that the Certificate showing that he had passed VIII class was submitted immediately after the selection. Subsequently also, he filed another copy of the said Certificate on 06-10-1997 and obtained an acknowledgement from the respondent University. Inspite of that, the respondent University did not consider the case of the petitioner. Hence, the petitioner has come with the present Writ Petition.

9 . The claim of the petitioner that he was selected for being appointed as an Attender is not disputed, but, what is disputed is that the petitioner failed to produce the VIII class Certificate. When, admittedly, the said Certificate is produced, it is not proper and just for the respondent University in not considering the said Certificate and not appointing the petitioner as a regular Attender. At the time of hearing also, a copy of the Certificate was placed before this Court.

1 0 . Under the above circumstances, the Writ Petition is allowed directing the

respondent University to consider the VIII class Certificate of the petitioner and pass appropriate orders, regularising the services of the petitioner as Attender, with all the consequential benefits within two months from the date of receipt of a copy of this order. No costs.

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(S.ANANDA REDDY,J)

Dated : 02..09..2004

prv

That Rule Nisi has been made absolute as above.

Witness the Honourable Sri Devinder Gupta, the Chief Justice on this the Thursday, the second day of September Two Thousand and Four.

..... ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Registrar, Potti Sreeramulu Telugu University,

Hyderabad.

2. 2CD copies.